# MICHIGAN TRIAL COURTS

#### CIRCUIT COURT

The history of the circuit court dates back to 1824 when three judges of the supreme court held annual terms in the counties of Wayne, Monroe, Oakland, Macomb, and St. Clair and were authorized to hold special sessions in Crawford, Brown, and Michilimackinac counties. In 1835, circuit courts were established by name, but were presided over by the judges of the supreme court.

The county courts in all of the counties of the territory east of Lake Michigan, except Wayne, were abolished in 1833 and replaced by "The circuit court of the territory of Michigan." The state was divided into 3 circuits in 1836 and the judges of the supreme court performed the duties of circuit judges. The Revised Statutes of 1846 abolished the court of chancery, and the chancery powers were conferred upon the several circuit courts. The Constitution of 1850 made the office of circuit judge elective and the term of office six years.

The Constitution of 1908 provided for judicial circuits. At present the state is divided into 57 judicial circuits along county lines. The number of judges within a circuit is established by the legislature to accommodate required judicial activity. In multicounty circuits, judges travel from one county to another to hold court sessions. Circuit judges are elected for terms of six years in nonpartisan elections. A candidate must be a qualified elector, a resident of the judicial circuit, a lawyer, and under 70 years of age. The legislature sets salaries for circuit judges, which may be supplemented by counties.

On April 1, 2003, several changes in circuit court boundaries took effect. Mackinac County moved from the 50th Circuit to the 11th Circuit; Presque Isle County moved from the 26th Circuit to the 53rd Circuit; Alcona County moved from the 26th Circuit to the 23rd Circuit; and Arenac County moved from the 34th Circuit to the 23rd Circuit.

## Jurisdiction

The circuit court is the trial court of general jurisdiction in Michigan, having jurisdiction over all actions except those given by state law to another court. Generally speaking, the circuit court has original jurisdiction in all civil cases involving more than \$25,000, in all criminal cases where the offense involves a felony or certain serious misdemeanors, and in all family-related cases in the family division, including divorce and ancillary matters, custody, parenting time, paternity, juvenile offenses, abuse/neglect, emancipation of minors, personal protection orders, name changes, adoptions and parental consent waivers.

The circuit court also hears cases appealed from lower courts and from some administrative agencies of state and local government. In addition, the circuit court has superintending control over other courts within the judicial circuit, subject to final superintending control of the supreme court.

### Caseload

In 2006, 341,090 cases were filed in the circuit court. Of that total, 225,298 cases, or 66.1 percent, were family division filings and 115,792 cases, or 33.9 percent, were non-family filings.

Of the non-family division filings in circuit court, 38.9 percent were general civil, auto negligence, non-auto damage, and other civil cases. Auto negligence and non-auto damage cases continued to decline. Fewer auto negligence and non-auto damage cases were filed in 2006 than in any year between 1999 and 2005. The majority (40.4 percent) of civil cases were disposed of by default, consent judgment, settlement, or summary disposition. Over 35 percent were dismissed by the plaintiff. Two percent resulted in a jury verdict or bench verdict.

In 2006, more felonies were filed and disposed than any other year between 1999 and 2006. Capital felony case filings increased by 10.1 percent between 1999 and 2006, reaching 4,160. Noncapital felony case filings increased by 24.4 percent between 1999 and 2006, reaching 61,338.

In 2006, 225,298 cases were filed in the family division of circuit court, representing 66.1 percent of all circuit court filings. Of the family division filings, 20.1 percent were divorce cases and 17.5 percent were paternity and support cases. Domestic relations case filings increased by 4.1 percent to 92.760 between 2005 and 2006.

Fewer petitions for personal protection were filed in 2006 than any other year between 1999 and 2006. Of all personal protection filings, 32.7 percent sought protection against stalking by adults,

while 64.4 percent were filed to obtain protection against adult domestic partners. The remaining 2.9 percent were filed to obtain protection against minors.

In 2006, 162 juvenile offense filings were designated to be heard in the same manner as adult criminal cases. In 69.8 percent of the cases disposed, the juvenile's plea was accepted by the court. In 12 cases (7.4 percent), the case went to trial and a judge or jury returned a verdict.

Delinquency case filings and dispositions remained less than 57,000 for the third consecutive year. In 37.4 percent of the cases disposed, the juvenile's plea was accepted by the court. In 2.8 percent, the case went to trial and a judge or jury returned a verdict.

Juvenile traffic filings continued to increase from 2004, when both juvenile traffic and misdemeanor traffic cases in district court were at a low level. At the close of 2006, 17,528 juveniles were under court jurisdiction as a result of delinquency proceedings. Of those, 13,142 were supervised by the circuit court, 3,193 were supervised by the Department of Community Justice of Wayne County, and 1,193 were supervised by the Department of Human Services. An additional 7,585 juveniles not already under court supervision were awaiting adjudication.

At the close of 2006, the circuit court had jurisdiction over 18,474 children as a result of child protective proceedings. Of that number, 11,828 were temporary wards of the court, 6,190 were permanent wards of the court or the Michigan Children's Institute, and 456 were temporary wards who were ordered to the Michigan Children's Institute for observation. An additional 2,580 children were awaiting adjudication and were not yet under court jurisdiction.

Of the 13,061 children associated with new child protective filings in 2006, 701 (5.4 percent) had previously been under the court's jurisdiction. Of the 2,559 petitions filed requesting termination of parental rights, 1,145 were filed as part of original or amended petitions, and 1,414 were filed as supplemental petitions. There were an additional 761 supplemental petitions related to child protective cases; these petitions were filed for reasons other than termination.

## COURT OF CLAIMS

The court of claims is a special court that hears cases involving claims against the state or any of its departments, commissions, or institutions. Established by the legislature as a function of the 30th Judicial Circuit Court (Ingham County) in 1979, the jurisdiction of the court, except as otherwise provided by law, extends to claims and demands against the state or any of its departments, commissions, boards, institutions, arms, or agencies, except those arising from line-of-duty injuries to state employees. Claimants may bring suit in the court of claims provided the claim is for \$1,000 or more.